

Reply to Office Action dated August 3, 2007

### **REMARKS**

This Amendment is being filed simultaneously with a Request for Continued Examination. This Amendment serves as a submission under 37 C.F.R. 1.114.

Claims 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57, 59-73 and 75-81 are pending in this application. By this Amendment, claims 19, 30, 41, 46, 53, 57, 64-65, 68-73 and 75-78 are amended, claim 74 is canceled without prejudice or disclaimer, and new claims 79-81 are added. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 19-23, 30-32, 34, 41-42, 44-46, 53, 55-57 and 64-78 under 35 U.S.C. §102(b) by U.S. Patent Publication 2004/0030596 to Attar et al. (hereafter Attar). The Office Action also rejects claims 25-28, 36-39, 48-51 and 59-62 under 35 U.S.C. §103(a) over Attar in view of U.S. Patent 6,884,172 to Lloyd et al. (hereafter Lloyd). Still further, the Office Action rejects claims 29, 40, 50 and 63 under 35 U.S.C. §103(a) over Attar in view of Lloyd and further in view of U.S. Patent Publication 2002/0028655 to Rosener et al. (hereafter Rosener). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 19 recites displaying the avatar at the called party, the avatar including a plurality of joints. Independent claim 19 also recites receiving a signal for controlling the avatar, wherein the received signal is transmitted from a mobile phone to the called party, the received signal corresponding to one of the joints of the avatar. Independent claim 19 also recites controlling at least one joint of the displayed avatar in accordance with the received signal.

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Attar does not teach or suggest at least these features of independent claim 19. More specifically, Attar merely discloses that an operator 7 may animate a personage 6 using a control means such as a mouse 2b or a key in a menu associated with a computer 2. See page 3, right hand column, fourth last line-paragraph [0064]. Furthermore, when discussing the key in the menu 2b, Attar only discusses clicking the “What’s New” link 10c. See paragraph [0064], lines 23-30.

Attar does not teach or suggest that an avatar includes a plurality of joints and controlling at least one joint of the displayed avatar in accordance with the received signal. That is, Attar discloses that the personage 6 is capable of animation and/or being variable in size, shape and color. Attar also discloses that personage 6 has accessories for the operator 7 to carry out expressions and factors of movement, size and gesture. See paragraph [0064]. However, Attar does not teach or suggest controlling at least one joint of the displayed avatar in accordance with the received signal, as recited in independent claim 19.

For at least the reasons set forth above, Attar does not teach or suggest all the features of independent claim 19. The other applied references do not teach or suggest the features of independent claim 19 missing from Attar. Thus, independent claim 19 defines patentable subject matter.

Independent claim 30 recites a receiver, at a called party, for receiving signals for controlling an avatar having a plurality of joints, wherein the signals are transmitted from a mobile phone, a display for displaying the avatar, and a controller for controlling different states

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of the displayed avatar in accordance with the received signals, wherein the controller controls the different states by controlling the joints of the avatar.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 30. Thus, independent claim 30 defines patentable subject matter.

Independent claim 41 recites displaying the avatar on the mobile phone, wherein the avatar has a plurality of joints, generating a signal for controlling at least one joint of the avatar displayed at the called party and displayed on the mobile phone, and transmitting the signal to the called party via a network.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 41. Thus, independent claim 41 defines patentable subject matter.

Independent claim 53 recites a controller for generating a signal for controlling the avatar displayed at the called party and the controller for controlling the avatar displayed at the mobile phone by changing a specific joint of the avatar. Independent claim 53 also recites a transmitter for transmitting the signal from the mobile phone to the called party via a network.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 53. Thus, independent claim 53 defines patentable subject matter.

Independent claim 64 recites a mobile phone for generating signals for controlling joints of an avatar and transmitting the generated signals, a called party for receiving the signals

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transmitted from the mobile phone and displaying the avatar in a plurality of different states based on the received signals, wherein each of the states includes a different arrangement of the joints of the avatar, and a network configured to connect the mobile phone to the called party.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 64. Thus, independent claim 64 defines patentable subject matter.

Independent claim 65 recites generating signals to control the avatar at a mobile phone, wherein the avatar includes a plurality of joints and the generated signals are related to a different joint of the avatar. Independent claim 65 also recites transmitting the signals via a network, and receiving the signals at a called party. Independent claim 65 also recites displaying the avatar in different representations at the called party based on the received signals, wherein each of the representations includes a different arrangement of the joints of the avatar.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 65. Thus, independent claim 65 defines patentable subject matter.

Independent claim 75 recites receiving a signal for controlling the avatar, wherein the received signal is transmitted from a mobile phone to the called party, and displaying the avatar controlled in accordance with the received signal at the called party. Independent claim 75 also recites that the avatar being controlled at the called party is the same as in the mobile phone, wherein the avatar of the mobile phone is equally controlled and displayed corresponding to an input signal generated by a user of the mobile phone

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For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 75. Thus, independent claim 75 defines patentable subject matter.

Independent claim 76 recites receiving a signal for controlling the avatar, wherein the received signal is transmitted from a mobile phone to the called party, controlling the avatar in accordance with the received signal, and displaying the controlled avatar at the called party. Independent claim 76 further recites that the avatar being controlled at the called party is the same as in the mobile phone, wherein the avatar of the mobile phone is equally controlled and displayed corresponding to an input signal generated by a user of the mobile phone.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 76. Thus, independent claim 76 defines patentable subject matter.

Independent claim 77 recites selecting the avatar being controlled using the mobile phone, generating a signal for controlling the selected avatar, and transmitting the signal to the called party via a network. Independent claim 77 also recites the avatar being controlled at the called party is the same as in the mobile phone, wherein the avatar of the mobile phone is controlled and displayed corresponding to the generated signal.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 77. Thus, independent claim 77 defines patentable subject matter.

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Independent claim 78 recites selecting the avatar being controlled using the mobile phone, displaying the selected avatar on the mobile phone, generating a signal for controlling the displayed avatar, and transmitting the signal to control the displayed avatar to the called party via a network. Independent claim 78 also recites that the avatar being controlled at the called party is the same as in the mobile phone, wherein the avatar of the mobile phone is equally controlled and displayed corresponding to the generated signal.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 78. Thus, independent claim 78 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 19, 30, 41, 53, 64, 65 and 75-78 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57, 59-73 and 75-81 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.


Serial No. **10/714,926**

Docket No. **DPO-0010**

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



David C. Oren  
Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3777 DCO/kah

**Date: November 5, 2007**

**Please direct all correspondence to Customer Number 34610**